

151 FERC ¶ 61,210  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;  
Philip D. Moeller, Cheryl A. LaFleur,  
Tony Clark, and Colette D. Honorable.

Southwest Power Pool, Inc.

Docket Nos. ER15-509-001  
ER15-509-002

ORDER ON REHEARING AND COMPLIANCE

(Issued June 11, 2015)

1. On January 23, 2015, the Commission issued an order<sup>1</sup> that conditionally accepted a November 26, 2014 filing by Southwest Power Pool, Inc. (SPP), submitted pursuant to section 205 of the Federal Power Act,<sup>2</sup> which proposed revisions to Attachment Y of its Open Access Transmission Tariff (Tariff) related to the competitive bidding process.<sup>3</sup> The Commission accepted Tariff revisions to section I of Attachment Y, to be effective January 1, 2015, as requested. Further, the Commission conditionally accepted SPP's proposed Tariff revisions to sections II, III, IV, and VII of Attachment Y, to be effective January 26, 2015, as requested, subject to SPP making changes to its Tariff in a compliance filing.

2. On February 23, 2015, SPP filed a request for clarification, or in the alternative, rehearing of the Commission's January 23 Order. Also on February 23, 2015, SPP submitted a filing to comply with the requirements of the January 23 Order. As discussed below, we grant, in part, and deny, in part, SPP's request for clarification and deny SPP's request for rehearing. We also accept SPP's compliance filing.

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<sup>1</sup> *Southwest Power Pool, Inc.*, 150 FERC ¶ 61,047 (2015) (January 23 Order).

<sup>2</sup> 16 U.S.C. § 824d (2012).

<sup>3</sup> SPP calls its competitive bidding process the Transmission Owner Selection Process.

## **I. Background**

3. In its November 26, 2014 filing, SPP submitted revisions to Attachment Y of its Tariff to refine certain aspects of its competitive bidding process, which SPP developed to comply with Order No. 1000.<sup>4</sup> SPP uses the competitive bidding process to select, from competing responses to SPP-issued requests for proposals, qualified entities to construct, own, and operate new SPP-approved transmission facilities that qualify as “Competitive Upgrades.”<sup>5</sup> Among the changes SPP proposed were changes to the SPP Tariff to allow a Designated Transmission Owner that has been issued a Notification to Construct for a Competitive Upgrade<sup>6</sup> to assign that Notification to Construct to an affiliate.

4. In the January 23 Order, the Commission found SPP’s proposal to allow a Designated Transmission Owner to assign an affiliate a Notification to Construct for a Competitive Upgrade is appropriate because it provides Designated Transmission Owners flexibility to structure their business arrangements in a manner to comply with regulatory, tax, financial, or other requirements that may arise, without compromising SPP’s ability to ensure that an affiliate assignee is qualified and capable of completing

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<sup>4</sup> *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, FERC Stats. & Regs. ¶ 31,323 (2011), *order on reh’g*, Order No. 1000-A, 139 FERC ¶ 61,132, *order on reh’g*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012), *aff’d sub nom. S.C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014).

<sup>5</sup> The criteria for Competitive Upgrades are set forth in section I of Attachment Y of the SPP Tariff. *See* SPP Tariff, Attachment Y, § I.1-2. SPP states that, in general, Competitive Upgrades include, subject to certain limitations set forth in Order No. 1000 and the Tariff, new transmission facilities approved through SPP’s regional transmission planning process whose costs are allocated partially or totally on a postage-stamp basis across the SPP footprint. SPP November 26, 2014 Transmittal at 2 n.3. *See also Southwest Power Pool, Inc.*, 144 FERC ¶ 61,059 (2013), *order on reh’g and compliance*, 149 FERC ¶ 61,048 (2014), *order on reh’g and compliance*, 151 FERC ¶ 61,045 (2015) (addressing SPP’s Order No. 1000 regional compliance filings).

<sup>6</sup> Under SPP’s competitive bidding process, entities that have qualified under the Tariff qualification criteria may submit a bid in response to a request for proposals for a Competitive Upgrade. The SPP Board of Directors (SPP Board) ultimately selects the winning bid, and the developer of the winning bid becomes the Designated Transmission Owner. SPP issues the Designated Transmission Owner a Notification to Construct the transmission project. January 23 Order, 150 FERC ¶ 61,047 at P 2.

the Competitive Upgrade.<sup>7</sup> However, the Commission directed SPP to make a compliance filing to revise its Tariff to state that the SPP Board's consent to assignments of Competitive Upgrades and assignments of other transmission projects constructed by incumbent transmission owners shall not be unreasonably withheld, conditioned, or delayed.<sup>8</sup>

5. The Commission also found that SPP's proposal requires an affiliate to meet all of the qualification requirements in the Tariff in order to be assigned a Notification to Construct, but found that the Tariff did not make clear that the affiliate must follow the same process to qualify as any other potential transmission developer that wishes to submit a bid. The Commission stated that its understanding of SPP's proposal is that an affiliate assignee would qualify through the established qualification process as part of SPP's Transmission Owner Selection Process in the same manner as any other bidder, but found that this was not explicit in the Tariff. The Commission explained that:

[A]lthough an affiliate of a qualified transmission developer would not need to be qualified at the time the developer submits a bid, it would be unduly discriminatory to allow an affiliate to be assigned a Notification to Construct for a Competitive Upgrade without having been qualified using the same developer qualification process and criteria as any other bidder. Therefore, we direct SPP to make a compliance filing . . . to revise its Tariff to make clear that, before it can be assigned a Notification to Construct, an affiliate of a Designated Transmission Owner must become qualified using the same qualification process that any other potential bidder must follow to become qualified.<sup>9</sup>

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<sup>7</sup> *Id.* P 43.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* P 44.

6. Additionally, the Commission disagreed with a concern raised by ITC<sup>10</sup> that SPP's assignment provision was flawed because it did not prevent a Designated Transmission Owner from novating its obligations under the Notification to Construct once the Competitive Upgrade has been assigned to its affiliate.<sup>11</sup> The Commission explained:

While SPP's proposal does not address novation, SPP's proposed revisions to its Tariff make clear that "[n]othing in this Section VII shall relieve a Transmission Owner of its obligations specified in Section VI.3 of Attachment O . . . Section V.4 of Attachment Y . . . and Section 3.3(a) of the SPP Membership Agreement" and that SPP's approval of an assignment does not relieve the original Designated Transmission Owner from its obligations if the assignee fails to perform. While ITC contends that it appears that a Designated Transmission Owner may seek, and be granted, novation of its obligations under SPP's Business Practices, we find that ITC's concerns are mitigated by the fact that SPP is bound by its Tariff, and that any conflict with a Business Practice must be resolved in favor of the Tariff. Thus, a provision in the Business Practices that provides a Designated Transmission Owner the ability to novate would not apply to the assignment of a Notification to Construct to an affiliate, which is bound by the Tariff provisions governing such assignment that SPP proposes and that we accept here.<sup>[12]</sup>

## **II. SPP's Request for Clarification, or in the Alternative, Rehearing**

### **A. Summary**

7. In its request for clarification, SPP asserts that the January 23 Order could be read to require an affiliate assignee that wishes to become qualified to accept a Notification to Construct to apply within the timeframes applicable to the annual qualification process. SPP therefore requests that the Commission clarify that, while an affiliate assignee must follow the same procedures to become qualified to accept a Notification to Construct and become a Designated Transmission Owner for a Competitive Upgrade, such application

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<sup>10</sup> ITC Great Plains, LLC and ITC South Central Development LLC (together, ITC).

<sup>11</sup> January 23 Order, 150 FERC ¶ 61,047 at P 47.

<sup>12</sup> *Id.* (internal footnotes omitted).

does not need to fall within the timeframes for the annual qualification and re-certification process.<sup>13</sup> Specifically, SPP states that an entity wishing to become a qualified bidder must submit its application by “no later than June 30 of the year prior to the calendar year in which the Applicant wishes to begin participation in the Transmission Owner Selection Process.”<sup>14</sup> According to SPP, this means that there is approximately a six-month time period or more between the time an entity submits an application and the time that it becomes eligible to submit bids in SPP’s Transmission Owner Selection Process. Further, SPP states that if the entity misses the June 30 deadline, that entity would not be eligible for the following year.

8. SPP explains that the timeframes in the Tariff that apply to the qualification process ensure that SPP has sufficient time each year to review new applications for qualified bidder status and determine qualifications, to afford entities an opportunity to cure any deficiencies in their applications, and to ensure that a slate of qualified bidders is identified *prior* to the issuance of any requests for bids in a given calendar year.<sup>15</sup> SPP argues, however, that such timing concerns do not arise with and are inapplicable to an assignment of a Competitive Upgrade to an affiliate because the assignment to an affiliate occurs *after* a Competitive Upgrade has been approved, a Designated Transmission Owner has been selected through the competitive bidding process, and the Designated Transmission Owner subsequently decides that an affiliate assignment is necessary or advantageous.<sup>16</sup> Moreover, SPP argues that applying the same timing requirements to an application by an affiliate assignee (e.g., June 30 deadline of the year prior to the calendar year the entity can become a qualified bidder) could thwart the very reason for allowing affiliate assignments, and thereby chill assignments and undermine SPP’s ability to promote timely, efficient, and cost-effective transmission development.<sup>17</sup>

9. SPP asks that, in the alternative, if the Commission does not grant the clarification, the Commission grant rehearing and find that the timing of the qualification application process should not apply to assignments of Competitive Upgrades to affiliates. SPP argues that for the Commission to find, as it did in the January 23 Order, that the flexibility afforded by the affiliate assignment proposal is appropriate but also find that imposing an unnecessarily elongated process for an assignment to become effective

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<sup>13</sup> SPP Request for Rehearing at 9.

<sup>14</sup> *Id.* (citing SPP Tariff, Attachment Y, § III.1(a)(i)).

<sup>15</sup> *Id.* at 10 (citing Order No. 1000, FERC Stats. & Regs. ¶ 31,323 at P 324).

<sup>16</sup> *Id.* at 11.

<sup>17</sup> *Id.* at 12.

would undermine the flexibility that the proposal is designed to provide, resulting in an internally inconsistent order.<sup>18</sup> Further, SPP argues that requiring up to eighteen months to lapse between the time that a Designated Transmission Owner and an affiliate request an assignment and the time that the assignment is effective would unnecessarily delay construction and threaten the timely completion of Competitive Upgrades, which would act at cross purposes with SPP's efforts and responsibility to promote efficient and cost-effective transmission expansion within its footprint and would contravene the goals of more efficient and cost-effective transmission development from Order No. 1000.<sup>19</sup>

Further, SPP argues that the Commission approved similar assignment provisions in other Order No. 1000 regions without explicitly finding that any timing requirements associated with the qualification process must apply to assignments, and therefore the Commission should grant rehearing to rectify this unexplained departure from precedent.<sup>20</sup>

10. SPP also requests that the Commission clarify its findings with respect to the ability of SPP to approve a novation. SPP states that, while it agrees with the Commission that SPP's approval of any assignment does not relieve the original Designated Transmission Owner from its obligations if the assignee fails to perform, the January 23 Order could be interpreted to mean that the Tariff prohibits all novations. For this reason, SPP requests that the Commission clarify that the January 23 Order did not find that the Tariff prohibits SPP from granting novations, but instead held that the Tariff itself does not grant a right of novation and any business practice that purportedly grants such a right does not override the Tariff.<sup>21</sup> SPP states that the language in the tariff upon which the Commission relied to make its finding regarding novation – specifically, that “[n]othing in this Section VII shall relieve a Transmission Owner of its obligations” – has been in the Tariff and has not previously barred SPP from agreeing to, and the Commission from accepting, a novation.<sup>22</sup> SPP states that Commission has routinely accepted previous SPP novation agreement filings, even though the language currently contained in section VII.4 of Attachment Y has long been in the Tariff (albeit in different

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<sup>18</sup> *Id.* at 17-18.

<sup>19</sup> *Id.* at 19.

<sup>20</sup> *Id.* at 19-20 (citing *South Carolina Electric & Gas*, 147 FERC ¶ 61,126, at PP 216, 221-223 (2014) and *Midwest Indep. Transmission Sys. Operator, Inc.*, 147 FERC ¶ 61,127, at P 357 (2014)).

<sup>21</sup> *Id.* at 15.

<sup>22</sup> *Id.* at 15-16 (citing SPP Tariff, Attachment Y, § VII.4; SPP Tariff, Attachment O, § VI.6).

sections of the Tariff). SPP argues that, because the Commission has consistently accepted novation agreements and never before determined that doing so conflicted with the Tariff, the Commission should clarify that the January 23 Order and its reliance on the language in section VII.4 of Attachment Y does not prohibit SPP from granting novations.<sup>23</sup>

11. According to SPP, if the Commission declines SPP's request for clarification regarding novations, then rehearing on this issue is appropriate because the Tariff language upon which the Commission relied to make its findings regarding novations is nearly identical to language that previously resided in section VI of Attachment O of the Tariff, which has never before been found to prohibit SPP from granting a novation.<sup>24</sup> Further, SPP argues that there is no reason that an affiliate assignee should be precluded from receiving a novation, provided that the conditions set forth in the Tariff and Business Practices are met and SPP, the Designated Transmission Owner, and the affiliate assignee negotiate and execute an appropriate novation agreement.<sup>25</sup> Moreover, SPP asserts that nothing in Order No. 1000 or the Commission's subsequent precedent on assignments prohibits SPP from releasing the original Designated Transmission Owner from its obligations, provided that an assignee satisfies the qualification criteria and complies with requirements imposed on the original Designated Transmission Owner.<sup>26</sup> Finally, SPP argues that finding that the sentence "[n]othing in this Section VII.4 shall relieve a Transmission Owner of its obligations" would prohibit novations would constitute an overly broad reading of the language since the language does not state that the Designated Transmission Owner cannot be relieved of its obligations under some other provision of the Tariff or some other process.<sup>27</sup>

## **B. Determination**

12. We deny SPP's request for clarification that an affiliate of a Designated Transmission Owner that wishes to be assigned a Notification to Construct does not need to follow the timeframes for the annual qualification and re-certification process outlined in the Tariff. The Commission was clear in the January 23 Order that, although an affiliate of a qualified transmission developer would not need to be qualified at the time

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<sup>23</sup> *Id.* at 16.

<sup>24</sup> *Id.* at 21.

<sup>25</sup> *Id.* at 22.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 22-23.

the developer submits a bid, “it would be unduly discriminatory to allow an affiliate to be assigned a Notification to Construct for a Competitive Upgrade without having been qualified using the *same* developer qualification process and criteria as any other bidder.”<sup>28</sup> The developer qualification process includes specific deadlines that all entities must meet, and those deadlines must apply to all entities that wish to become qualified. SPP’s requested clarification would allow an affiliate of a Designated Transmission Owner that wishes to be assigned a Notification to Construct to become qualified during what would essentially be an out-of-cycle qualification process that is not available to other entities that wish to become qualified. As such, SPP’s requested clarification would be inconsistent with the Commission’s finding in the January 23 Order.

13. We also deny SPP’s alternative request for rehearing of the requirement that an affiliate of a Designated Transmission Owner must become qualified using the same qualification process and criteria that any other potential bidder must follow to become qualified. We disagree with SPP that requiring an affiliate assignee to qualify using the same process as any other bidder undermines the flexibility of SPP’s proposal. Under the proposal that the Commission accepted in the January 23 Order, a Designated Transmission Owner will be allowed to assign a Notification to Construct to a qualified affiliate, an option the Tariff did not previously provide. In addition, the affiliate to which a Designated Transmission Owner wishes to assign a Notification to Construct does not need to be qualified at the time the Designated Transmission Owner submits its bid, providing further flexibility. SPP has also not supported its claim that requiring an affiliate assignee to qualify using the same process as any other entity would unnecessarily delay construction and threaten the timely completion of a Competitive Upgrade. In particular, SPP does not explain why a Designated Transmission Owner would delay or not be able to timely complete a Competitive Upgrade for which it has received a Notification to Construct, even if it has to wait until an affiliate completes the qualification process before the affiliate can be assigned the Notification to Construct. Further, the affiliate of a Designated Transmission Owner need not wait until the year in which the Designated Transmission Owner plans to submit a request to assign a Notification to Construct to the affiliate to submit its qualification application; the affiliate is free to submit its qualification application during the prior year’s qualification period. Finally, we disagree with SPP’s argument that the January 23 Order contained an unexplained departure in precedent because the Commission has accepted similar assignment provisions in other Order No. 1000 regions without explicitly finding that any timing requirements associated with the qualification process must apply to assignments. First, we note that our finding here is based on the specifics of the proposal made by SPP, and the Commission’s findings in other regions with regard to assignment provisions were based on the specifics of the proposals made in those respective regions. Moreover,

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<sup>28</sup> January 23 Order, 150 FERC ¶ 61,047 at P 44 (emphasis added).



we note that the Commission was not explicit about the timing requirements associated with the qualification process for assignees in any of the orders, including the January 23 Order. Rather, in the January 23 Order, the Commission stated that an affiliate that is an assignee must follow the same qualification process as any other potential transmission developer that wishes to submit a bid; to do otherwise would be unduly discriminatory.<sup>29</sup> That is consistent with both the MISO and South Carolina regions, in which the Commission found that provisions permitting developers to assign rights to an affiliated party were acceptable if the affiliated party satisfies the regional developer qualification criteria.<sup>30</sup>

14. On the issue of novation, we grant SPP's request for clarification. We clarify that the January 23 Order does not find that all novations are prohibited by the SPP Tariff. Rather, the Commission's findings in the January 23 Order address only the proposal that was before it, which was the proposal to provide a Designated Transmission Owner the ability to assign a Notification to Construct to a qualified affiliate. The Commission found that, as proposed, the affiliate assignment provisions do not provide a Designated Transmission Owner with the ability to novate to an affiliate and that any provision in a Business Practice Manual that provides such a right would therefore not apply in the case of an affiliate assignment.<sup>31</sup> The Commission did not address or otherwise make a finding in the January 23 Order on whether language in the Tariff provides or prohibits a right to novate in other circumstances, such as a proposal to novate to an entity that is not an affiliate. As SPP correctly notes, the Commission has previously accepted novation agreements in other contexts, and the Commission will consider the appropriateness of any future novation agreement if and when it is submitted to the Commission for filing.

### **III. SPP Compliance Filing**

#### **A. Notice and Responsive Pleadings**

15. Notice of SPP's February 23 Compliance Filing was published in the *Federal Register*, 80 Fed. Reg. 11,188 (2015), with interventions and protests due on or before March 16, 2015. On March 16, 2015, ITC filed a protest of SPP's filing. On April 17, 2015, SPP filed an answer.

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<sup>29</sup> *Id.*

<sup>30</sup> See *South Carolina Electric & Gas*, 147 FERC ¶ 61,126 at P 222; *Midwest Indep. Transmission Sys. Operator, Inc.*, 147 FERC ¶ 61,127 at P 357.

<sup>31</sup> January 23 Order, 150 FERC ¶ 61,047 at P 47.

16. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2014), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We are not persuaded to accept SPP's answer in this proceeding, and therefore reject it.

17. Portions of ITC's protest are an answer to SPP's request for clarification and rehearing. Rule 713(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.713(d) (2014), prohibits an answer to a request for rehearing. We therefore reject the portions of ITC's protest that are answers to SPP's request for clarification and rehearing.

### **B. Summary of Compliance Filing**

18. SPP proposes to revise the Tariff to state that SPP Board approval of any assignment of a Notification to Construct to an affiliate of the Designated Transmission Owner "shall not be unreasonably withheld, conditioned, or delayed."<sup>32</sup> In addition, SPP states that it proposes two revisions to comply with the requirement to make clear that, before it can be assigned a Notification to Construct, an affiliate of a Designated Transmission Owner must become qualified using the same qualification process that any other potential bidder must follow to become qualified. First, SPP proposes Tariff revisions stating that, in order to be assigned a Notification to Construct, an affiliate must meet "all of the qualification criteria and follow the process specified in section III.1 of this Attachment Y [Application and Qualification Process]."<sup>33</sup> Second, SPP proposes to add the following language to the Tariff:

The Affiliate will immediately become eligible to accept the [Notification to Construct] and become the [Designated Transmission Owner] for the Competitive Upgrade upon: (1) the Transmission Provider's determination that the Affiliate satisfies the criteria set forth in Section III.1 [Application and Qualification Process] of this Attachment Y and the conditions set forth in this Section VII [Assignment of Notification To Construct]; (2) approval of the assignment by the SPP Board of Directors; and (3) the Affiliate's execution of the SPP Membership Agreement as a Transmission Owner. The Affiliate will become a [qualified bidder] eligible to participate in the Transmission Owner

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<sup>32</sup> Revised SPP Tariff, Attachment Y, § VII.3.

<sup>33</sup> *Id.* § VII.2(d).

Selection Process in accordance with the timeline set forth  
Section III.1.[<sup>34</sup>]

**C. Protest**

19. ITC argues that SPP does not comply with the January 23 Order because SPP is proposing a separate, less rigorous process for affiliate assignees to become qualified bidders. ITC argues that, under SPP's compliance proposal, affiliate assignees would be given a special, out-of-cycle opportunity to become full qualified bidders as part of the assignment process. ITC asserts that, simply put, this is not "the same developer qualification process and criteria as any other bidder."<sup>35</sup> ITC states that any other entity that seeks to bid on Competitive Upgrades through the competitive bidding process must submit an application by June 30 of the year prior to that in which it seeks to become a qualified bidder and there is not an opportunity for any other bidder to petition SPP for a special opportunity to become a qualified bidder once that deadline has passed.<sup>36</sup> ITC argues that SPP should therefore be directed to submit a further compliance filing which would require an affiliate assignee to first become a qualified bidder under the exact process specified in Attachment Y, section III.1 – the same manner as any other bidder – including compliance with the applicable timelines.<sup>37</sup>

**D. Determination**

20. We find that SPP has complied with the requirement to revise its Tariff to state that the SPP Board's consent to assignments of Competitive Upgrades and assignments of other transmission projects constructed by incumbent transmission owners shall not be unreasonably withheld, conditioned, or delayed.<sup>38</sup>

21. We also find that SPP has complied with the requirement to revise its Tariff to make clear that, before it can be assigned a Notification to Construct, an affiliate of a

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<sup>34</sup> SPP February 23 Compliance Filing at 4 (citing Revised SPP Tariff, Attachment Y, § VII.2).

<sup>35</sup> ITC Protest at 7 (citing January 23 Order, 150 FERC ¶ 61,047 at P 44).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* at 8. The rest of ITC's Filing answers the request for clarification and rehearing filed by SPP. As mentioned above, we reject those portions of the protest that answer SPP's request for clarification and rehearing.

<sup>38</sup> Revised SPP Tariff, Attachment Y, § VII.2.

Designated Transmission Owner must become qualified using the same qualification process that any other potential bidder must follow to become qualified. As we explain above in denying SPP's request for clarification and rehearing, SPP may not exempt an affiliate assignee from having to follow the same timeline in the qualification process that any other entity must follow, and we find that SPP's proposed language does not include such an exemption. SPP's proposed language states that: (1) an affiliate must meet "all of the qualification criteria and follow the process specified in section III.1 of this Attachment Y [Application and Qualification Process]";<sup>39</sup> (2) that the affiliate will be eligible to accept a Notification to Construct upon SPP's determination that the affiliate "satisfies the criteria set forth in Section III.1 [Application and Qualification Process] of this Attachment Y";<sup>40</sup> and (3) the affiliate will become a qualified bidder "eligible to participate in the Transmission Owner Selection Process in accordance with the timeline set forth [in] Section III.1."<sup>41</sup> Section III.1 of Attachment Y includes the entire qualification process, including the related June 30 deadline and the timeline SPP will follow.<sup>42</sup> Therefore, the language stating that an affiliate must meet "all of the qualification criteria and follow the process specified in section III.1 of this Attachment Y," that SPP must determine that an affiliate "satisfies the criteria in Section III.1 of this Attachment Y," and that the affiliate is eligible to participate in competitive bidding process "in accordance with the timeline set forth in Section III.1" means that the requirement for an entity to submit a qualification application by June 30 of any given year must be satisfied. Because SPP's proposed Tariff language requires all entities, including the affiliate of a Designated Transmission Owner, to follow the qualification process outlined in Attachment Y, section III.1, we find that SPP's proposed changes comply with the requirements of the January 23 Order. This finding also addresses ITC's protest because SPP is not proposing a separate, less rigorous process for affiliate assignees to become qualified bidders.

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<sup>39</sup> *Id.* § VII.2(d).

<sup>40</sup> *Id.* § VII.2.

<sup>41</sup> *Id.*

<sup>42</sup> SPP Tariff, Attachment Y, § III.1.a.i (establishing the June 30 deadline) and § III.1.c (outlining, among other things, the timeline SPP will follow for the qualification process).

The Commission orders:

(A) SPP's request for clarification is hereby granted, in part, and denied, in part, and its request for rehearing is hereby denied, as discussed in the body of this order.

(B) SPP's compliance filing is hereby accepted, effective January 26, 2015, as requested, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.